



**CITY COUNCIL**  
CITY AND COUNTY OF HONOLULU  
HONOLULU, HAWAII

ORDINANCE \_\_\_\_\_  
BILL 87 (2017)

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**A BILL FOR AN ORDINANCE**

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RELATING TO PUBLIC SIDEWALKS.

BE IT ORDAINED by the People of the City and County of Honolulu:

SECTION 1. Council Findings and Purpose. The purpose of this ordinance is to prohibit persons from sitting or lying on public sidewalks, subject to certain exceptions.

The Council finds that:

- (a) Individuals who sit or lie down on public sidewalks impede and deter others from using the sidewalks, and therefore discourage residents and visitors from walking to get from place to place; to access businesses, government services, and recreational amenities that adjoin public sidewalks; and to exercise and recreate.
- (b) The prohibition against sitting or lying on sidewalks set forth in this ordinance leaves intact the individual's right to speak, protest, or engage in other lawful activity on any sidewalk, consistent with the individual's free speech rights.
- (c) There are a number of places where the restrictions of this ordinance do not apply, including private property, plazas, public parks, and other common areas open to the public. In addition, the prohibition set forth in this ordinance contains exceptions for medical emergencies, and expressive activities, among others.
- (d) The Council acknowledges that there are reasons why an individual may sit or lie on a public sidewalk. The City has offered and continues to offer services to those engaged in sitting or lying on the sidewalk who appear to be in need, or to those who request service assistance. However, in many cases, these persons refuse such services or continue such conduct despite the accessibility of these services. The City will continue to invest in services for those in need, and make efforts to maintain and improve public sidewalk safety for everyone.
- (e) A law enforcement officer may not issue a citation to a person for a violation of this ordinance without first warning the person that sitting or lying down on a public sidewalk violates City ordinances.
- (f) Current laws that prohibit the obstruction of sidewalks do not adequately address the safety hazards, disruption, and deterrence to pedestrian traffic caused by individuals sitting or lying on public sidewalks.



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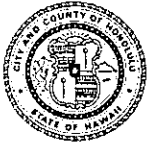
SECTION 2. Article 15A of Chapter 29, Revised Ordinances of Honolulu 1990 ("Sitting or Lying on Public Sidewalks Outside of the Waikiki Special District"), is repealed.

SECTION 3. Chapter 29, Revised Ordinances of Honolulu 1990 ("Streets, Sidewalks, Malls and Other Public Places"), is amended by adding a new Article 15A to read as follows:

**"Article 15A. Sitting or Lying on Public Sidewalks Outside of the Waikiki Special District**

**Sec. 29-15A.1 Prohibition—Exceptions—Citations.**

- (a) No person shall sit or lie on a public sidewalk, or on a tarp, towel, sheet, blanket, sleeping bag, bedding, planter, chair, bench, or any other object or material placed upon a public sidewalk during the hours from 5:00 a.m. to 11:00 p.m.
- (b) The prohibitions in subsection (a) do not apply to:
  - (1) Any person sitting or lying on a sidewalk due to a medical emergency;
  - (2) Any person who, as a result of a disability, is utilizing a wheelchair or other similar wheeled chair device to move about the public sidewalk;
  - (3) Any person sitting or lying on a sidewalk for the purpose of engaging in an expressive activity;
  - (4) Any person sitting on a sidewalk while attending or viewing any parade, festival, performance, rally, demonstration or similar event conducted on the street pursuant to a permit issued by the city;
  - (5) Any person engaged in a maintenance, repair, or construction activity on behalf of a governmental entity or a public utility;
  - (6) Any child who is sitting or lying in a baby carriage, stroller, or carrier, or similar device, to move about the public sidewalk;
  - (7) Any person sitting on a chair or bench located on the public sidewalk that is placed there by a public agency;
  - (8) Any person sitting in line for goods or services unless the person or person's possessions impede the ability of pedestrians to travel along the



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length of the sidewalk or enter a doorway or other entrance alongside the sidewalk; or

- (9) Any person sitting or lying on a public sidewalk in the Waikiki special district, as defined in Section 29-15.1.
- (c) No person shall be cited for a violation of this section unless the person engages in conduct prohibited by this section after having been notified by a law enforcement officer that the conduct violates this section.
- (d) As used in this section:

"Expressive activity" means speech or conduct, the principal object of which is the expression, dissemination, or communication by verbal, visual, literary, or auditory means of political, religious, philosophical, or ideological opinions, views, or ideas, and for which no fee is charged or required as a condition of participation in or attendance at such activity. Expressive activity generally would not include sports events, such as marathons, fundraising events, beauty contests, commercial events, cultural celebrations, or other events the principal purpose of which is entertainment.

"Public sidewalk" means a publicly owned or maintained "sidewalk," as defined in Section 29-1.1, and includes a "replacement sidewalk" as defined in that section. Where the property line adjacent to a public sidewalk is not clearly established, then for purposes of this article, the sidewalk is deemed to extend 10 feet away from the roadway from the curb line or pavement of the roadway.

**Sec. 29-15A.3 Penalty.**

Any person violating any provision of this article shall, upon conviction, be guilty of a petty misdemeanor and subject to punishment in accordance with HRS Sections 706-640 and 706-663, as amended."



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SECTION 4. This ordinance takes effect upon its approval.

INTRODUCED BY:

*[Handwritten signature]*

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DATE OF INTRODUCTION:

**OCT 05 2017**

\_\_\_\_\_  
Honolulu, Hawaii

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Councilmembers

APPROVED AS TO FORM AND LEGALITY:

\_\_\_\_\_  
Deputy Corporation Counsel

APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_.

\_\_\_\_\_  
KIRK CALDWELL, Mayor  
City and County of Honolulu